

IN THE U.S. PATENT AND TRADEMARK OFFICE

Inventor(s): Mark W. Wanlass et al. )  
)  
International (PCT) Application No.: )  
PCT/US02/05781 )  
)  
Filed: February 27, 2002 )  
)  
Title: Monolithic, Photovoltaic Energy )  
Conversion Device ) Atty Dkt. No.: NREL 01-52

REPLY TO PETITION FOR REVIVAL OF APPLICATION  
UNDER 37 CFR § 1.137(b)

Commissioner for Patents  
P.O. Box 1450  
MS/PCT  
Alexandria, VA 22313-1450

Attn: PCT Legal Staff

Dear Sir:

On August 12, 2005 a Decision to dismiss Applicant's Petition to Convert a Filing Under 37 CFR 1.53(b) to 35 USC 371, dated July 26, 2005 was made stating that this was a clear case of conflicting instructions and the Office properly process the above-identified application under 35 U.S.C. 111(a). Applicants were instructed to enter the national stage of PCT/US 02/05781 by filing a national stage application with a petition under 37 CFR 1.137(b) and the appropriate petition fee.

In response to the instruction of the Patent Office, Applicants submits a Petition for Revival of Application under 37 CFR 1.137(b), which originally began with a Notice of Incomplete Non-Provisional Application, dated July 13, 2005, wherein Applicants were notified that under 37 CFR § 1.53(b) the specification was missing and the specification did not include

at least one claim. A complete specification as prescribed by 35 USC 112 was required and the oath or declaration was missing.

Applicants, upon reviewing the case file, found that the Utility Patent Application Transmittal that had been used as a cover sheet, was submitted in error. Also, included in the original submittal on August 25, 2004 was the appropriate Transmittal Letter to the United States Designated/Elected Office Concerning a Filing Under 35 USC 371. Applicants, by submitting two transmittal sheets had created confusion in the U.S. Patent Office, Initial Patent Examination Division, which resulted in the submittal of a Notice of Incomplete Non-Provisional Application.

WHEREFORE, Applicants request the Deputy Assistant Commissioner to revive the patent application as originally intended under 35 USC 371, and the filing date of August 25, 2004 be established.

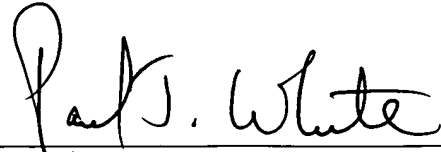
Applicants encloses copies of the following:

- Decision on Applicants' Petition;
- Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b);
- Transmittal Letter to the U.S. Designated/Elected Office Concerning a Filing Under USC 371;
- PCT Application Inventor Declarations included in the original filing of the PCT patent application;
- Notice of Incomplete NonProvisional Application; and
- Postcard receipt from the original filing for the non-provisional application with the Patent Office stamp, dated August 25, 2004.

The Deputy Assistant Commissioner is hereby authorized to charge payment of the petition fee, as required by 37 C.F.R. 1.17(f); as well as any additional fees associated with this petition or credit any overpayment to Deposit Account No. 14-0460.

If any other issues remain to be resolved, please contact Applicants' attorney at the telephone number listed below.

Respectfully submitted,

A handwritten signature in black ink, reading "Paul J. White". The signature is written in a cursive style with a large initial "P".

Paul J. White, Reg. No. 30,435  
Attorney for Applicants

Dated: September 28, 2005.

National Renewable Energy Laboratory  
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303/384-7575